



CITY OF ST. LOUIS
**PLANNING & URBAN
DESIGN AGENCY**

FRANCIS G. SLAY, Mayor

File No. PDA-147-15-REZ

To: City of St. Louis Planning Commission

From: Don Roe, Director

Subject: Submittal of Resolution for Recommendation of Zoning District Map Amendment (Rezoning by Petition) -- City Block 1639 (2748-54 Chippewa St.)

Date: November 25, 2015

Summary

Submittal: Proposed amendment of the Zoning District Map by petition for Planning Commission review and recommendation.

Site: 0.43-acre site, consisting of a single parcel -- 2748-54 Chippewa St. -- located at the southeast corner of Chippewa St. and California Ave. in the Dutchtown neighborhood.

Proposal: Rezoning the subject parcel from the "B" Two-Family Dwelling District and "F" Neighborhood Commercial District to the "F" Neighborhood Commercial District only.

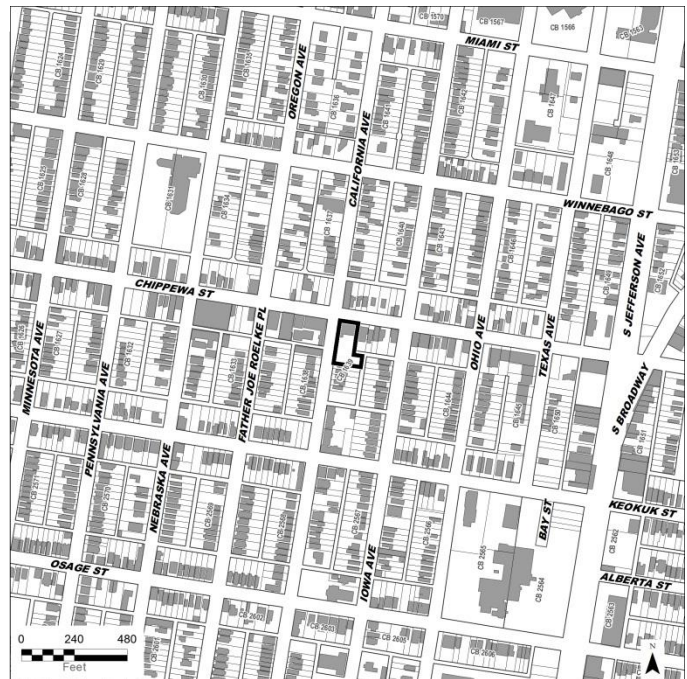
Land Use: The site currently consists of a three-story mixed-use building -- including 3 ground-floor commercial spaces and 6 residential units -- and 15 parking spaces. Due to its dual-zoned status, the more restrictive regulations of the "B" Two-Family Dwelling District apply. Thus, potential occupants of the commercial spaces would need variances to be granted occupancy permits. The rezoning of the parcel to the "F" Neighborhood Commercial District would allow potential occupants of the commercial spaces to avoid the process of applying for and receiving variances from the Board of Adjustment to occupy the commercial spaces.

Petitioner: Sam Meller (d/b/a as Chippewa Towers LLC), which is the owner of the subject parcel.

Support Letter: Submitted by Alderwoman Cara Spencer (20th Ward).

Recommended Action

That the Planning Commission finds the petition for the proposed Zoning District Map amendment for one parcel located in City Block 1639 -- 2748-54 Chippewa St. -- to be in conformity with the City's Strategic Land Use Plan and **recommends approval** to the City's Board of Aldermen.



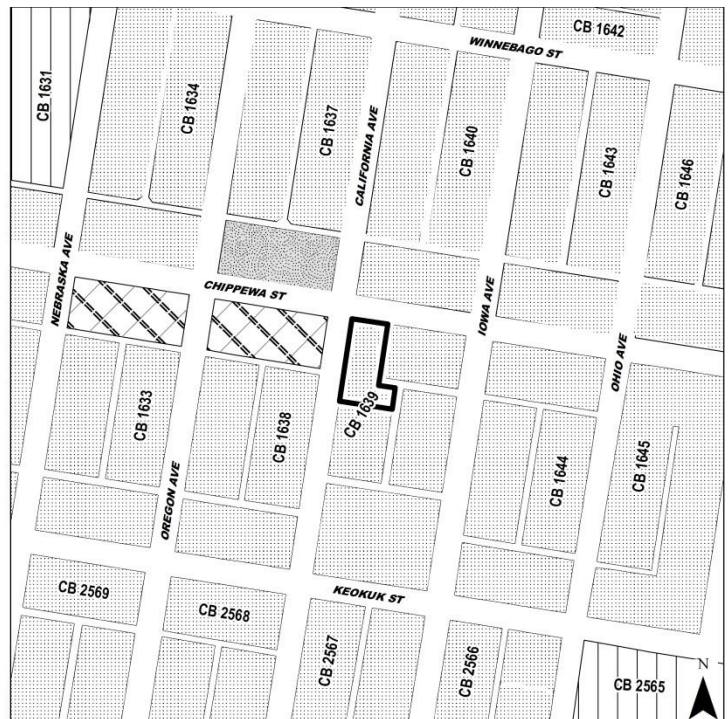
1.0 Background

- The rezoning site consists of a single parcel -- 2748-54 Chippewa St. -- and is approximately 0.43 acres in size. It is located at the southeast corner of Chippewa St. and California Ave. in the Dutchtown neighborhood. The rezoning site is located in the Gravois-Jefferson Streetcar Suburb National Historic District.
- The rezoning site currently consists of a three-story mixed-use building -- including three ground-floor commercial spaces and six residential units -- and 15 parking spaces. All three commercial spaces face Chippewa St. Two of the three commercial spaces are occupied -- by Gooseberries, a restaurant at 2754 Chippewa St., and Montecristo's Hair Center, 2752 Chippewa St. The third commercial space is currently vacant, although a potential occupant has applied for a variance from the City's Board of Adjustment to occupy the space as a clothing store. The rezoning site is currently zoned "B" Two-Family Dwelling District and "F" Neighborhood Commercial District. Due to its dual-zoned status, the more restrictive regulations of the "B" Two-Family Dwelling District apply. Thus, potential occupants of the commercial spaces would need variances to be granted occupancy permits. A rezoning of the parcel to the "F" Neighborhood Commercial District would allow potential occupants of the commercial spaces to avoid the time-consuming and expensive process of applying for and receiving variances from the City's Board of Adjustment to occupy the commercial spaces. The proposed rezoning would also bring the zoning of this parcel into conformance with its current use.
- The amendment proposes changing the zoning for the subject parcel from the "B" Two-Family Dwelling District and "F" Neighborhood Commercial District to the "F" Neighborhood Commercial District only. As Exhibit "A" shows, there is a consistent pattern of zoning for the adjacent area. All of the parcels facing Chippewa St. are zoned "F" Neighborhood Commercial District, while all of the parcels facing the side streets that intersect with Chippewa St. are zoned "B" Two-Family Dwelling District.
- The petitioner is Sam Meller, (d/b/a as Chippewa Towers LLC), which is the owner of the subject parcel. Mr. Meller completed the renovation of the building approximately five years ago.
- Existing land uses adjacent to the rezoning site include a variety of commercial, mixed-use and residential uses along Chippewa St., and residential uses along the side streets that intersect with Chippewa St. Some of the adjacent buildings appear to be historically significant. Building conditions (including vacancy) for adjacent properties vary considerably. Photos of the rezoning site and adjacent areas are included in Exhibit "E".
- In its rezoning petition (see Exhibit "B"), the petitioner states as its Grounds for Petition: "Dual zoning prevents comm. use of space."
- The City's Zoning Administrator cites in the attached letter (see Exhibit "C") that: "Given that the proposed rezoning would allow for new commercial uses to support the immediate area; that by rezoning subject property would bring it into conformity with the Zoning Code; and that good zoning practices work toward the elimination of improper zoning designations, there is a basis established that a less restrictive zoning classification would be appropriate and would enhance the general welfare of the City." She further states that: "It is the recommendation of the Zoning Administrator that the subject parcel in City Block 1639 (2748-54 Chippewa Street) be rezoned to the "F" Neighborhood Commercial District only."
- The proposed rezoning is supported by Alderwoman Cara Spencer (20th Ward). (See Exhibit "D").

2.0 Comments

PDA staff has reviewed the proposed amendment of the Zoning District Map for a single parcel located at 2748-54 Chippewa St. and recommends approval of the rezoning to the “F” Neighborhood Commercial District. This recommendation is based on the reasons cited in the Zoning Administrator’s letter and the proposed rezoning’s conformity with the City’s Strategic Land Use Plan.

The Strategic Land Use Plan designates the rezoning site as a Neighborhood Preservation Area (NPA). This Strategic Land Use Category is defined as: *“Areas where the existing housing and corner commercial building stock will be preserved and augmented with infill residential and corner commercial development physically integrated with, and primarily serving the immediate neighborhood. These areas generally consist of stable residential areas of the City, including but not limited to historic districts, where the character of the neighborhood is currently well preserved with relatively few vacant lots and abandoned buildings. The Plan contemplates continued preservation and improvement, with quality rehabilitation and infill new construction that is sensitive to the character of existing residences. Commercial and institutional uses catering to the immediate needs of the neighborhood are acceptable and reflect the traditional role such activity has played in the history of the City.”*



Strategic Land Use Categories

	Neighborhood Preservation Area		Business/Industrial Preservation Area
	Neighborhood Development Area		Business/Industrial Development Area
	Neighborhood Commercial Area		Institutional Preservation and Development Area
	Regional Commercial Area		Specialty Mixed Use Area
	Recreational and Open Space Preservation		Opportunity Area

The proposed rezoning would facilitate a faster process for potential occupants of the building’s commercial spaces to be granted occupancy permits by removing the need for them to apply for and receive variances from the City’s Board of Adjustment. Although the title of the Neighborhood Preservation Area Strategic Land Use Category implies a preference toward residential uses, the above definition clearly encourages commercial and mixed uses that are “physically integrated with, and primarily serving the immediate neighborhood” and “reflect the traditional role such activity has played in the history of the City.” Thus, the proposed rezoning is in conformity with the City’s Strategic Land Use Plan.

2.1 Public Input

The Board of Aldermen’s Housing, Urban Development and Zoning (HUDZ) Committee will conduct a public hearing as part of the legislative process.

2.2 Previous Commission Action

None.

2.3 Requested Action

Section 26.92.010 of the City of St. Louis Revised Code requires that any amendment or change in the boundaries or regulations of the Zoning Code shall be initiated by motion of the Planning Commission or

by the filing of a petition with the Zoning Administrator by the owner or owners of the property within the district.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 1 states that the Planning Commission shall be the official planning agency for the City. It shall also be the zoning commission for the City and perform all functions required by applicable state law to be performed by a municipal zoning commission.

City of St. Louis Ordinance #64687, Section 8, Sub-Paragraph 4 states that the Planning Commission shall recommend changes in the zoning ordinances and zoning district maps to the Board of Aldermen. No ordinance changing the zoning ordinances and zoning district maps shall be adopted over the negative recommendation of the Planning Commission, unless approved by a majority vote of all members of the Board of Aldermen.

Requested Recommendation

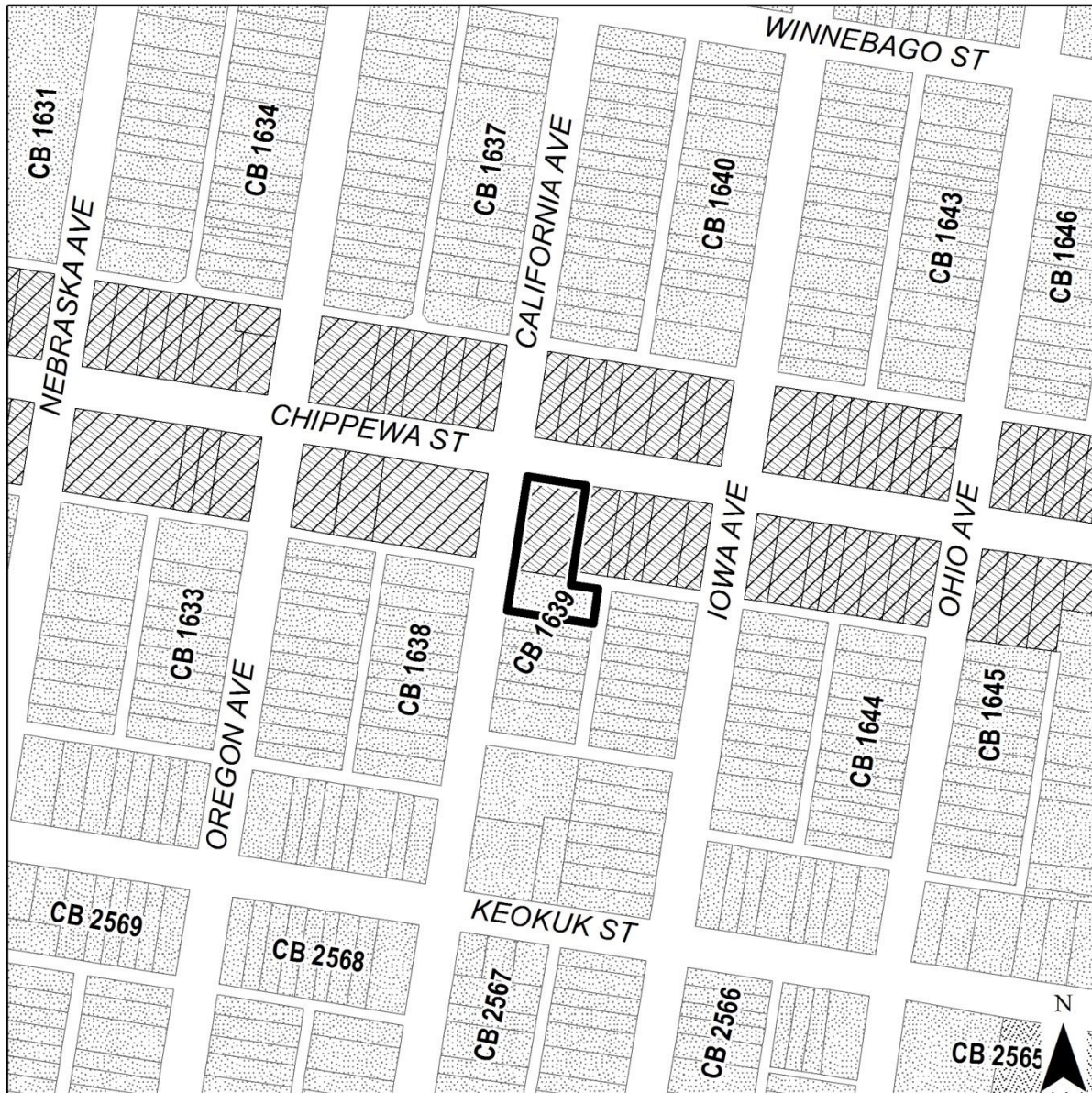
That the Planning Commission finds the petition for the proposed Zoning District Map amendment for one parcel located in City Block 1639 -- 2748-54 Chippewa St. -- to be in conformity with the City's Strategic Land Use Plan and **recommends approval** to the City's Board of Aldermen.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ST. LOUIS PLANNING COMMISSION AS FOLLOWS:

1. The petition for the amendment of the Zoning District Map (to the "F" Neighborhood Commercial District) for one parcel (known as 2748-54 Chippewa St.) located in City Block 1639 is hereby found to be in conformity with the City's Strategic Land Use Plan.
2. The petition for the amendment of the Zoning District Map (to the "F" Neighborhood Commercial District) for one parcel (known as 2748-54 Chippewa St.) located in City Block 1639 is hereby recommended for approval.
3. The Director of the Planning and Urban Design Agency is hereby directed to notify the City's Board of Aldermen of this recommendation.

EXHIBIT A

DISTRICT MAP



Current Zoning District

	A Single-Family Dwelling District		G Local Commercial District
	B Two-Family Dwelling District		H Area Commercial District
	C Multiple-Family Dwelling District		I Central Business District
	D Multiple-Family Dwelling District		J Industrial District
	E Multiple-Family Dwelling District		K Unrestricted District
	F Neighborhood Commercial District		L Jefferson Memorial District

Rezoning Area

Rezoning Petition
From "B"/"F" to "F"

PDA-147-15-REZ

CITY OF ST. LOUIS
PLANNING
URBAN DESIGN
AGENCY

EXHIBIT B



PETITION FOR ZONING AMENDMENT (REZONING) CITY OF ST. LOUIS

Petitioner's Name Sam Mallet (D.B.A. CHIPPewa Towers)

Contact Name (If above is a firm/an organization) Sam Mallet

Address 3659 JHolozan ST. Louis MO. 63116

Phone 314-274-3750 Fax _____ Email C.TyrchoVatovs@hotmail.com

A complete Legal Description of Property to be Rezoned is required, use additional sheets if necessary (you may also attach any plans, conceptual drawings or proposals which you feel may aid in the evaluation of this request). See attached

Address(es) including street number(s) / name(s) of Property(s) to be Rezoned 2748-754
CHIPPewa

City Block No. 1639 Parcel No. 21

Requested Zone/FBD Change From B1/F To F

(list specific zoning district or FBD Zone)

(list specific zoning district or FBD Zone)

The following can be listed or mapped on additional sheets:

- Present Use of Property(s) Mixed Use
- Intended Use of Property(s) Mixed Use
- Grounds for Petition Dual zoning Present to Comm. Use of Space
- Are you the owner of the property described? Yes
- If not, what is your legal interest in the property? _____
- The owner(s)-of-record of the petitioned property according to the City of St. Louis Assessor's Records is(are) known as CHIPPewa Towers LLC (Sam Mallet sole Member)

If you are NOT the owner(s)- of- record of the petitioned property you are REQUIRED to submit the Affidavit on Page 4, for each of the owner(s)- of- record of the petitioned property and it MUST be notarized.

Sam Mallet

11-2-15

Signature(s) of Petitioner(s)

Date Filed

Received and deemed complete by Zoning on 11 / 2 / 15

City of St. Louis, Office of the Zoning Administrator
Room 400, City Hall, St. Louis, MO 63103



BOOK PAGE
05222007-0423

RECORDER OF DEEDS
CITY OF ST. LOUIS
RECORDED-CERTIFIED ON
05/22/2007 04:57PM

SHARON QUIGLEY CARPENTER
RECORDER OF DEEDS

PAGES: 37
AMOUNT DUE: \$203.00
Clerk: 640000 439645

**DECLARATION OF CONDOMINIUM
FOR CHIPPEWA TOWERS CONDOMINIUMS**

This Declaration is made and entered into this 17th day of May, 2007,
by Chippewa Towers, LLC, 3659 Tholozan, St. Louis, MO 63116 hereinafter referred to as
"Developer" or "Declarant".

ARTICLE 1. SUBMISSION OF PROPERTY

- 1.1 Submission. Developer, Chippewa Towers LLC, owner in fee simple of the Property known and numbered as 2748-54 Chippewa Street, located in the City of St. Louis, State of Missouri, and further described as follows:

All of Lots 8, 9, 10, 11, 12 and a tract of land being that portion of a vacated alley (20 feet wide) situated in the City of St. Louis, Missouri City Block No. 1639, Jacob Fritschel's Subdivision, as filed in the Book 01072004 Page 0143, Book 0-10 Page 32, Book 08302004 Page 155 and 156 with the alley vacated by the Ordinance No. 66038 B.B. No. 240 within Block 1639 and being more particularly described as follows:

Beginning at the Northwest corner of City Block 1639, said point also being the intersection of the South right-of-way line of Chippewa Street and the East right-of-way line of California Avenue (60 feet wide); thence along said South right-of-way line of Chippewa Street, South 83 degrees 07 minutes 33 seconds East, 85.00 feet; thence along the West line of Lot 7, South 07 degrees 02 minutes 07 seconds West, 125.00 feet; thence South 06 degrees 52 minutes 27 seconds West, 20.00 feet; thence along the South line of an alley (20 feet wide), South 83 degrees 07 minutes 33 seconds East, 39.94 feet;

thence along the West line of an alley (20 feet wide), South 07 degrees 02 minutes 07 seconds West, 50.00 feet; thence along the North line of Lot 13, North 83 degrees 07 minutes 33 seconds West, 125.00 feet; thence along the East line of the aforementioned California Avenue (60 feet wide), North 07 degrees 02 minutes 07 seconds East, 195.00 feet to the point of beginning. And containing 18,573 square feet or 0.4264 acres, more or less.

Address: 2748-54 Chippewa Street, St. Louis, MO 63118

Locator No.: 16390000861

16390000862

16390000871

16390000872

Address: 3814 California Avenue, St. Louis, MO 63118

Locator No.: 16390000750

Address: 3816 California Avenue, St. Louis, MO 63118

Locator No.: 16390000700

and further described in the Plats and Plans (marked Exhibit A, attached hereto and incorporated herein by reference) submits the Property and all existing and future improvements, easements, rights and appurtenances thereon to the provisions of the Condominium Property Act and Uniform Condominium Act, Chapter 448 R.S.Mo. (hereinafter collectively the "Condominium Act" or the "Act"). This submission creates a condominium known as "Chippewa Towers Condominiums" (hereinafter "The Condominium"). The Condominium consists of nine (9) units ("Units"). Five of the Units are designated residential; four of the Units are designated commercial. The Condominium consists of the building known and numbered as 2748-54 Chippewa Street and the yard surrounding this building. The Condominium Property (hereinafter "Property") is further described as set forth above.

1.2 Definitions.

- A. Undefined Terms. Terms not otherwise defined herein or in the exhibits shall have the meanings specified or used in the Act.
- B. Terms Defined in the Act. The following terms are used or defined in general terms in the Act and shall have specific meanings herein as follows:
 - 1. "Allocated Interest" means the undivided ownership interest in the Common Elements and the Common Expense Liability allocated to each Unit as set forth in Section 3.3 and votes in the Association as provided for in Section 3.5 hereof.



RICHARD GRAY
DIRECTOR OF PUBLIC SAFETY

City of St. Louis EXHIBIT C
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF BUILDING AND INSPECTION
FRANCIS G. SLAY
MAYOR



FRANK OSWALD
BUILDING COMMISSIONER

TO: City of St. Louis Planning Commission

FROM: Mary Hart Burton, Zoning Administrator

SUBJECT: Rezoning – Dutchtown Neighborhood - City Block 1639 (2748-54 Chippewa Street)

DATE: December 2, 2015

INITIATION:

Mr. Sam Meller, d/b/a/ Chippewa Towers LLC, the Owner of Record for the above referenced parcel in city block 1639, petitioned the Zoning Administrator as provided for in Chapter 26.92 of the 1994 Revised Code of the City of St. Louis, to change the Zoning District Map of the City in the Dutchtown Neighborhood. Specifically, the petition focused on one (1) parcel in city block 1639, known as 2748-54 Chippewa Street and zoned both, "B" Two-Family Dwelling District and "F" Neighborhood Commercial District. The subject parcel is located entirely in the 20th Ward of the City of St. Louis.

PURPOSE:

The request is based on the Petitioner's desire to bring the zoning of this parcel of land into conformance with its current use. The Petitioner converted the existing three story structure into three (3) commercial spaces on the first floor and a total of six (6) residential units in the remainder of the building. There are also fifteen (15) off-street parking spaces on the southern portion of the parcel. As zoned, both "B" Two-Family Dwelling District and "F" Neighborhood Commercial District, the more restrictive regulations of the "B" Two-Family Dwelling District apply and all potential occupants of the commercial spaces would need variances. However, a rezoning of the parcel to the "F" Neighborhood Commercial District would allow for the proposal to be in compliance with the provisions of the Zoning Code.

Given that the proposed rezoning would allow for new commercial uses to support the immediate area; that by rezoning subject property would bring it into conformity with the Zoning Code; and that good zoning practices work toward the elimination of improper zoning designations, there is a basis established that a less restrictive zoning classification would be appropriate and would enhance the general welfare of the City.

RECOMMENDATION:

It is the recommendation of the Zoning Administrator that the subject parcel in City Block 1639 (2748-54 Chippewa Street) be rezoned to the "F" Neighborhood Commercial District only.

cc: Alderman Cara Spencer, 20th Ward
Frank Oswald, Building Commissioner

Building Safety is NO Accident



EXHIBIT D

Zerega, Dick <zeregad@stlouis-mo.gov>

2748-54 Chippewa Rezoning and Upendo

2 messages

Hart, Mary <hartm@stlouis-mo.gov>

Tue, Nov 3, 2015 at 10:01 AM

To: Cara Spencer <spencerc@stlouis-mo.gov>

Cc: Frank Oswald <OswaldF@stlouis-mo.gov>, Dick Zerega <ZeregaD@stlouis-mo.gov>

Hi Cara,

Just wanted to let you know that the property owner, Mr. Sam Mueller, came in and filed the paperwork for rezoning this property from B & F, to F only. This will allow for retail sales to be a use by right at this location. My Staff has been in touch with the Applicant to let her know how to proceed. I will prepare a report for the Planning Commission and send it over to Dick Zerega in Planning, we normally like to have a letter of support from the Alder person so that the Planning Commission knows the Alder person is aware of the rezoning application. Would you mind sending a letter of support regarding the rezoning? If you like, you may respond to this email and we will use that as your support. Thank you and please call if you have additional questions.

Mary

--

*Mary Hart Burton
Zoning Administrator
1200 Market Street, Room 400
St. Louis, MO 63103
314-622-3666
Fax: 314-552-7617
HartM@stlouis-mo.gov*

Cara Spencer <spencerc@stlouis-mo.gov>

Tue, Nov 3, 2015 at 12:06 PM

To: "Hart, Mary" <hartm@stlouis-mo.gov>

Cc: Frank Oswald <OswaldF@stlouis-mo.gov>, Dick Zerega <ZeregaD@stlouis-mo.gov>

Thanks so much, Mary. I am glad to hear that Mr. Meller decided to go with the recommended long-term solution. I am in favor of the rezoning of this property.

Cara Spencer
Alderman Ward 20
314-556-7379

[Quoted text hidden]

Exhibit “E”

Photos of Rezoning Site in City Block 1639



**1) Rezoning site
Mixed-use building & parking lot
(Looking southeastward)**



**2) Rezoning site
Chippewa St. frontage of building
(Looking southward)**



**3) Rezoning site
California Ave. frontage of building
(Looking eastward)**



**4) Rezoning site
Parking lot
(Looking eastward)**

Exhibit “E”

Photos of Rezoning Site in City Block 1639



**5) Rezoning site
Rear of parking lot
(Looking westward)**



**6) Rezoning site
Rear of mixed-use building & parking lot
(Looking northward)**



**7) Adjacent properties
1 mixed-use & 2 residential buildings, 2749-55
Chippewa St.
(Looking northward)**



**8) Adjacent properties
2700 block of Chippewa St.
(Looking southwestward)**

Exhibit “E”

Photos of Rezoning Site in City Block 1639



**9) Adjacent properties
Residential building, 2744-46 Chippewa St.
(Looking southeastward)**



**10) Adjacent properties
Residential building, 3820 California Ave.
(Looking eastward)**



**11) Adjacent properties
Vacant commercial buildings, 2800-12
Chippewa St.
(Looking southwestward)**



**12) Adjacent properties
Parking lot, 2801-05 Chippewa St.
(Looking northwestward)**